

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 3:15-cr-00089-MMD-VPC

Plaintiff,

ORDER

v.

JOHN DONALD KELSO,

Defendant.

The Court granted Defendant John Donald Kelso's Unopposed Motion Pursuant to 18 U.S.C §§ 4241 and 4242 for Evaluation to Determine Competency to Stand Trial and Existence of Insanity at the Time of the Offense. (Dkt. no. 14.) The Court ordered that Defendant be transported to a suitable BOP facility that conducts psychological evaluations for psychiatric or psychological evaluation to determine whether (a) Defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceeding against him or to assist properly in his defense; and (b) whether he was insane at the time of the offense. (*Id.*) Defendant was transported to the BOP's Metropolitan Detention Center in Los Angeles ("MDC-LA") for evaluation. (Dkt. no. 18.) The evaluation report addresses the two questions posed by the Court and recommends that Defendant be committed to a federal medical center for evaluation and for treatment for restoration to competency pursuant to 18 U.S.C. § 4241(d). Based on the report, the Court finds by preponderance of the evidence that Defendant is presently suffering from a mental disease or defect rendering him mentally

1 incompetent to the extent that he is unable to understand the nature and consequences
2 of the proceedings against him or to assist properly in his defense.

3 It is therefore ordered, pursuant to 18 U.S.C. § 4241(d), that Defendant be
4 committed to a suitable BOP medical center for such a reasonable period of time, not to
5 exceed four months, as is necessary to determine whether there is a substantial
6 probability that in the foreseeable future Defendant will attain the capacity to permit the
7 proceedings to go forward, and for an additional reasonable period of time until (1) his
8 mental condition is so improved that trial may proceed, if the Court finds that there is a
9 substantial probability that, within such additional period of time, he will attain the
10 capacity to permit the proceedings to go forward; or (2) the pending charges against
11 him are disposed of according to law; whichever is earlier.

12 DATED THIS 8th day of April 2016.

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15 MIRANDA M. DU
16 UNITED STATES DISTRICT JUDGE
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